

What Every Parent Should Know about Establishing Paternity

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What is paternity?

Paternity means fatherhood. Establishing paternity means making the biological father the legal father too. Why is establishing paternity important?

- Parent & Child Relationship: Both parents and the child have the right to a parent-child relationship. Both parents and the child deserve an opportunity to develop, enjoy and grow in this relationship.
 - Financial Support: The law requires both parents to support their child(ren). This is true even with an unplanned pregnancy. Children supported by one parent often do not have enough money to meet their needs.
 - Benefits: Your child has the right to benefits from both parents. These include Social Security, insurance benefits, inheritance rights, veterans and others.
 - Medical: Your child may need a complete medical history from the families of both parents. This could include inherited health problems.
- How is legal paternity established?
- If the mother is married or widowed at the time of birth, her husband is considered by law to be the father unless:
 - A court has issued an order establishing that a person, other than the mother's husband, is the father, or
 - The mother and alleged father, other than the mother's husband, have signed a Voluntary Acknowledgement of Paternity.
 - If the mother is not married at the time of conception or birth, paternity can be established in two ways:

- Both parents can sign a Voluntary Acknowledgment of Paternity which is filed with the Bureau of Health Planning & Statistics, Office of Vital Records.
 - A judge can declare a man the legal father of a child after a court hearing or by a default order.
- How can the father voluntarily acknowledge paternity?

To voluntarily acknowledge paternity, both parents must sign a Voluntary Acknowledgment of Paternity. The Voluntary Acknowledgement of Paternity must be notarized or witnessed and filed at the Bureau of Health Planning & Statistics Office of Vital Records.

Most hospitals can facilitate this process. The parents can also obtain the Voluntary Acknowledgement form from the Bureau of Health Planning & Statistics Office of Vital Records. The father can sign an Acknowledgement of Paternity even if he is married to someone else. What if the alleged father refuses to acknowledge paternity?

If the alleged father refuses to acknowledge paternity, the mother or the Nevada State Division of Welfare and Supportive Services (if the child is receiving public assistance) may bring a paternity action to establish paternity. A hearing is conducted in order to establish paternity. What if I am not sure who the father of my child is?

Your local, Child Support Office can assist you. They will help you in identifying and locating (if necessary) the alleged father. You do not have to be on public assistance to seek assistance from the Child Support Enforcement Program. When is paternity genetic testing necessary?

Genetic testing is necessary when the alleged father questions or denies paternity. How is paternity testing done?

If genetic testing is ordered, the mother, child and alleged father will be scheduled for testing. A sample of cells is taken from each person. The tests compare many different and complex details of the child's cells with similar details in the mother's and alleged father's cells. What does paternity genetic testing show?

Genetic testing is very accurate and indicates the probability of paternity. These tests can exclude a man who is not the biological father and can also show the likelihood of paternity if he is not excluded. A man is determined to be the legal father if genetic testing shows a probability of 99% or more that he is the father. Who pays for the genetic testing?

A court decides who pays for genetic testing; generally the alleged father pays the costs. What if the father or mother is not 18?

If the father is a minor, and wishes to sign a Voluntary Acknowledgment of Paternity an addendum to the form must be completed. His legal guardian/parent must give permission for the minor to sign the Voluntary Acknowledgement of Paternity.

Genetic testing can be performed on a person of any age. The age of the father or mother is not relevant under Nevada paternity establishment laws. How long after a child is born can paternity be established?

Paternity can be established as soon as the child is born. Nevada law permits a paternity action to commence anytime before the child reaches the age of 21. Can the name of the father be put on the child's birth certificate?

- A married woman's husband will be automatically recorded as the father on the child's birth certificate.
- When a woman is divorced or widowed for less than ten months, her husband at the time of conception is named as

the father on the child's birth certificate.

- When the mother is not married at the time of conception or birth, the name of the father can appear on the child's birth certificate if a Voluntary Acknowledgment of Paternity is completed.
- When the court establishes paternity, the name of the father as determined by the court, will be entered on the birth certificate.*It is illegal to provide false information on a child's birth certificate. Where do I get help in establishing a court order?

Your local Child Support Office can assist you. You do not have to be on public assistance to seek help from the Child Support Enforcement Program. Private attorneys also can file establishment, and enforcement actions. How is child support determined?

Nevada Revised Statutes (NRS) provides specific guidelines for the amount of child support to be awarded. The court considers the non-custodial parent's gross income and the number of children involved. The amount of support may be adjusted. Other factors considered may include but are not limited to: the costs of the baby's birth; the cost of health insurance; the cost of child care; and any, special education needs. See NRS 125B.070 and NRS 125B.080. Does the father have the right to see or visit the child?

The father has the right to seek court-ordered custody and visitation. However, the Nevada Child Support Enforcement Program cannot provide assistance related to custody or visitation issues. Can paternity be established if the father lives outside of Nevada?

Yes, this can be accomplished through the courts. Why is now the right time to establish paternity?

Your child has the right to expect regular and continued support from both parents. When you wait, you take the chance things may change and you may not have an opportunity to assume responsibility for your child. Your child may grow up without the advantages and benefits that come from having both parents share in parental responsibilities. Give your child the best possible chance in life by establishing paternity as early as possible.

For more information on acknowledging paternity or obtaining a court order, call your local Child Support Office

Developed by the State of Nevada
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